



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZCR14-00001  
**Application Type:** Condition Release  
**CPC Hearing Date:** March 13, 2014  
**Staff Planner:** Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov  
**Location:** 111 Rio Flor  
**Legal Description:** A Portion of A.F. Miller Survey no. 214 N/K/A Tract 35, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas  
**Acreage:** 0.3607 acres  
**Rep District:** 8  
**Current Zoning:** C-OP/sc (Commercial-Office Park/Special contract)  
**Existing Use:** Dance Studio  
**C/SC/SP/ZBA/LNC:** Yes; special contract (see attachment 4)  
**Request:** Release of special contract imposed by Ordinance No.7544, dated July 20, 1982  
**Property Owner:** Maria Ovalle  
**Representative:** Maria Ovalle

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) / Palo Verde Park

**South:** C-3 / Automotive Repair

**East:** C-3/sc (Commercial/Special contract) / Cellular Towers & Self-Storage Warehouse

**West:** A-2 (Apartments) / Single-Family Homes

**PLAN EL PASO DESIGNATION:** G-4 Suburban (Walkable) (Northwest Planning Area)

**NEAREST PARK:** Palo Verde Park (50 feet)

**NEAREST SCHOOL:** Putnam Elementary School (1,927 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 20, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

### **APPLICATION DESCRIPTION**

The request is to release a condition imposed on the property by Ordinance No. 7544, dated July 20, 1982 (see attachment 4), which rezoned the property to C-OP (Commercial Office Park), and limited the use of the property solely to a dance studio. The site plan shows a 15,711 s.f. lot upon which the existing 2,406 s.f. single story dance studio is situated. Access to the property is from both Palo Verde Place and Rio Flor Place.

### **CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the condition release request. Planning recommends releasing the condition limiting the use of the property solely to a dance studio as it is no longer necessary. Immediately located among multifamily, community-serving commercial, and residential zoning districts, the subject property is appropriate for the full range of C-OP (Commercial Office Park) uses.

### **Plan El Paso-Future Land Use Map Designation**

All applications shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-OP (Commercial Office Park) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **COMMENTS:**

#### **City Development Department – Planning Division - Transportation**

No objections to the condition release.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

#### **City Development Department - Land Development**

No Objections.

#### **City Development Department – Building Permits & Inspections**

No objection to proposed condition release. Building permits will need to be obtain if the occupancy of the building changes.

#### **El Paso Fire Department**

No objections to the "condition release" at this time.

#### **El Paso Water Utilities**

We have reviewed the condition release referenced above and provide the following comments:

1. EPWU-PSB does not object to this request.

#### **EPWU-PSB Comments**

##### **Water:**

1. There is an existing 6-inch water main that extends along Rio Flor St. located approximately 10 feet east of the street centerline. This main is available for service.
2. There is an existing 6-inch diameter water main that extends along the alley between Mesa and Palo Verde located approximately 5 feet south of the alley centerline. This main is available for service.

##### **Sanitary Sewer:**

1. There is an existing 8-inch sanitary sewer main that extends along Rio Flor St. located approximately 5 feet west of the street centerline. This main is available for service.
2. There is an existing 8-inch sanitary sewer main that extends along the alley between Mesa and Palo Verde located approximately 3 feet north of the alley centerline. This main is available for service.

##### **General:**

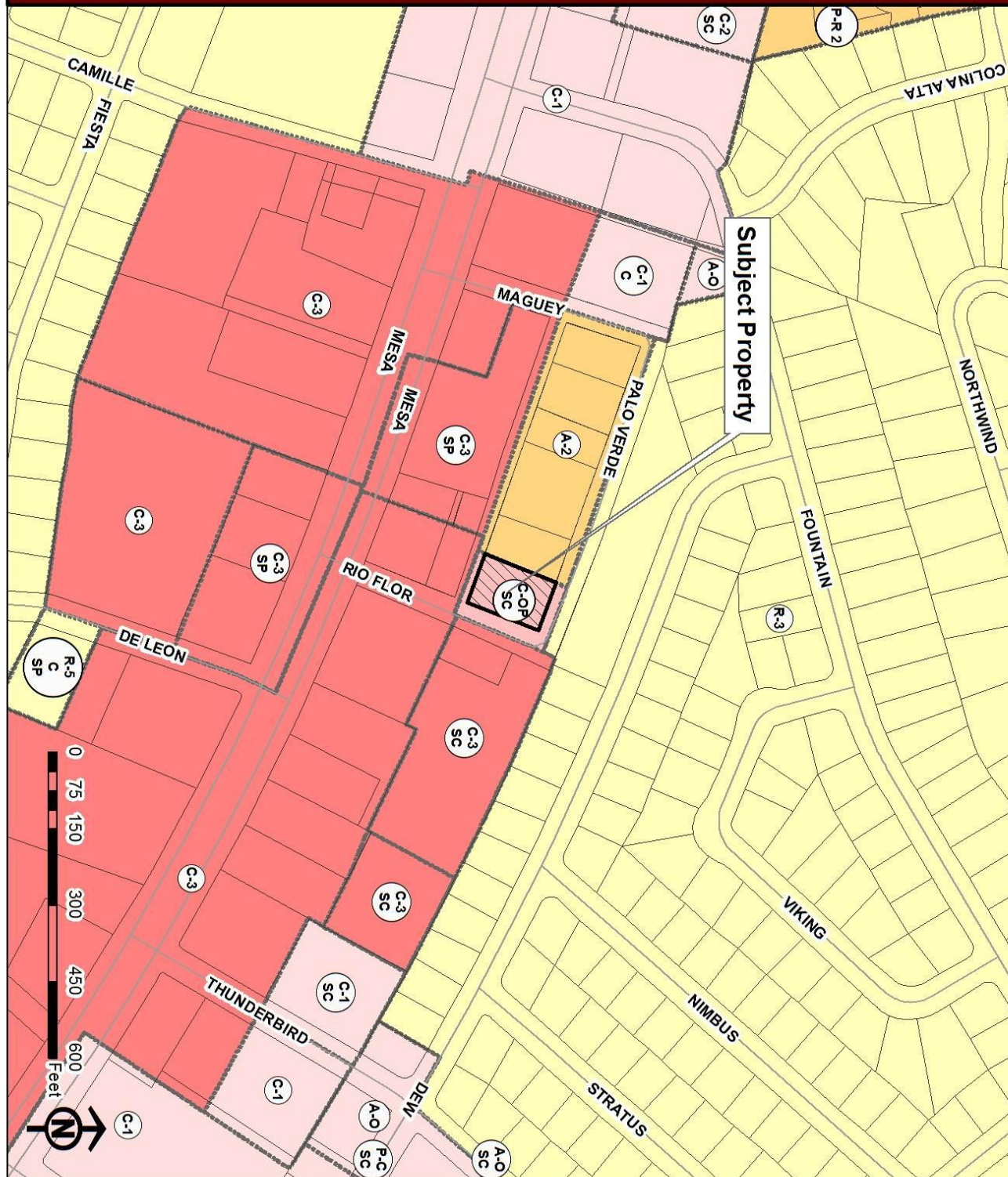
1. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions,

relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Ordinance No. 7544

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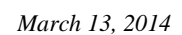
ATTACHMENT 2: AERIAL MAP

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PALO VERDE PL.



**ATTACHMENT 4: ORDINANCE NO. 7544**

CONTRACT

THIS CONTRACT, made this 20<sup>th</sup> day of July, 1982,  
by and between G. C. JOHNSON and wife, KATHERINE JOHNSON, First  
Parties, BLAISE PETRELLO, Second Party, and the CITY OF EL PASO,  
Third Party, witnesseth:




Application has been made to the City of El Paso for rezoning  
of all of Tract 35, A. F. Miller Survey #214, City of El Paso,  
El Paso County, Texas, more particularly described in Exhibit  
"A" which is attached hereto and made a part hereof by reference.  
To remove certain objections to such rezoning, First Parties  
covenant that if the property is rezoned to C-OP (Office Park)  
District within the meaning of the zoning ordinance of the City  
of El Paso, it shall be subject to the following restriction,  
condition and covenant:

The property herein described shall be used only for a  
dance studio and for no other purpose.

This contract is a restriction, condition and covenant running  
with the land and a charge and servitude thereon, and shall bind  
First Parties and their successors in title. Any future conveyance  
of the land shall contain this restriction, condition and covenant  
and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other  
legal or equitable remedy. The City Council of the City of El Paso  
may release the above restriction, condition and covenant in its  
discretion without the consent of any third person who may be  
benefited thereby.

WITNESS the following signatures and seal:

  
G. C. Johnson  
  
Katherine Johnson  
  
Blaise Petrello